

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 JULIE L. GARLAND
Senior Assistant Attorney General
4 ANYA M. BINSACCA
Supervising Deputy Attorney General
5 AMANDA J. MURRAY, State Bar No. 223829
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5741
Fax: (415) 703-5843
8 Email: Amanda.Murray@doj.ca.gov

9 Attorneys for Respondent Warden

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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14 **LA MERLE RONNIE JOHNSON,**

15 Petitioner,

16 v.

17 **ROSANNE CAMPBELL, Warden,**

18 Respondent.

C 07-2921 JSW

**RESPONDENT'S REQUEST FOR AN
EXTENSION OF TIME TO REPLY TO
MOTION TO DISMISS; SUPPORTING
DECLARATION OF COUNSEL;
[PROPOSED] ORDER**

Judge:

The Honorable
Jeffrey S. White

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20 **REQUEST FOR EXTENSION OF TIME**

21 For the reasons set forth in the accompanying declaration of counsel, Respondent^{1/}
22 respectfully requests that this Court grant an extension of time, to and including February 21,
23 2008, in which to reply to Johnson's Opposition to Respondent's Motion to Dismiss.

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27 1. The proper respondent in this action is Acting Warden Richard Subia, not Rosanne
28 Campbell. *Stanley v. Cal. Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994) (holding that the warden
where the petitioner is incarcerated is the proper respondent); Rule 2(a), 28 U.S.C. § 2254.

Req. for Extension of Time; [Proposed] Order

Johnson v. Campbell
C 07-2921 JSW

SUPPORTING DECLARATION OF COUNSEL

I, AMANDA J. MURRAY, declare as follows:

1. I am an attorney admitted to practice before the courts of the State of California and before this Court. I am employed by the California Attorney General's Office as a Deputy Attorney General in the Correctional Writs and Appeals Section, and am assigned to represent Respondent in this case.

2. Pursuant to the Court's October 26, 2007 Order to Show Cause, Respondent filed a Motion to Dismiss on December 12, 2007, alleging that Johnson had failed to exhaust his state court remedies. Johnson subsequently filed an opposition on December 21, 2007, but Respondent did not receive it until January 3, 2008. Thus, Respondent's Reply is due January 18, 2008.

3. In Johnson's Opposition to Respondent's Motion to Dismiss, he asserts that he presented his claims challenging the Board's 2006 decision denying him parole to the California Supreme Court before seeking federal habeas relief. (*See generally*, Opp. to Mot. to Dismiss & Ex. B [Supreme Court Case No. S148483].) Accordingly, he argues that he has exhausted his state court remedies. (*Ibid.*)

4. Respondent has requested but not received Johnson's California Supreme Court petition and the Court's order denying his petition. These documents are necessary to determine the legitimacy of Johnson's argument and adequately respond to his opposition. Because I do not know when I will receive the documents, I respectfully request that Respondent's deadline to reply to Johnson's Opposition to Respondent's Motion to Dismiss be extended to February 21, 2008.

5. This request for an extension of time is not made for any purpose of harassment, undue delay, or for any improper reason. Respondent has not requested any other extensions of time to respond to the Court's October 26, 2007 Order to Show Cause in this case.

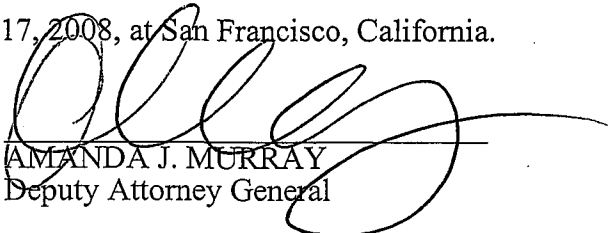
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1 6. Johnson is a state prisoner and cannot easily be contacted about this
2 requested extension of time. Respondent would suffer substantial harm without this extension of
3 time because I would be unable to file proper and thorough response.

4 I declare under penalty of perjury that the foregoing is true and correct and that this
5 declaration was executed on January 17, 2008, at San Francisco, California.

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8 AMANDA J. MURRAY
9 Deputy Attorney General
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Johnson v. Campbell**

No.: **C 07-2921 JSW**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 17, 2008, I served the attached

**RESPONDENT'S REQUEST FOR AN EXTENSION OF TIME TO REPLY TO
MOTION TO DISMISS; SUPPORTING DECLARATION OF COUNSEL;**

[PROPOSED] ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

La Merle R. Johnson (J-92682)
Mule Creek State Prison
P.O. Box 409060
Ione, CA 95640-9060
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 17, 2008, at San Francisco, California.

M. Luna

Declarant


Signature